

# SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Rena Andoh (admitted *pro hac vice*)  
randoh@sheppardmullin.com.com

30 Rockefeller Plaza  
New York, NY 10112  
Telephone: (212) 653-8700  
Facsimile: (212) 653-8701

Lai L. Yip (SBN 258029)  
lyip@sheppardmullin.com  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111  
Telephone: (415) 434-9100  
Facsimile: (415) 434-3947

Travis J. Anderson (SBN 265540)  
tanderson@sheppardmullin.com  
12275 El Camino Real, Suite 100  
San Diego, CA 92130  
Telephone: (858) 720-8900  
Facsimile: (858) 509-3691

Kazim A. Naqvi (SBN 300438)  
knaqvi@sheppardmullin.com  
1901 Avenue of the Stars  
Suite 1600  
Los Angeles, CA 90067  
Telephone: (310) 228-3700  
Facsimile: (310) 228-3701

*Attorney for Plaintiff and Counter-Defendant  
Moog Inc.*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**MOOG INC.**

Case No. 2:22-cv-09094-GW-MAR

**Plaintiff.**

V

SKYRYSE, INC. ROBERT ALIN  
PILKINGTON, MISOOK KIM, and  
DOES NOS 1-50

## Defendants

**PLAINTIFF AND COUNTER-  
DEFENDANT MOOG INC.'S  
APPLICATION FOR LEAVE TO  
FILE UNDER SEAL DESIGNATED  
MATERIALS FROM ITS MOTION  
TO DISMISS DEFENDANT AND  
COUNTERCLAIMANT SKYRYSE  
INC.'S COUNTERCLAIMS  
PURSUANT TO FED R. CIV. P.  
12(b)(2), (3), and (6)**

1 SKYRYSE, INC.,  
2 Counterclaimant,  
3 vs.  
4 MOOG INC.,  
5 Counter-Defendant.

Judge: Hon. George H. Wu

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1           **TO THE ABOVE CAPTIONED COURT, AND TO ALL PARTIES**  
 2           **AND THEIR ATTORNEYS OF RECORD:**

3           Pursuant to Local Rule 79-5 *et seq.*, Plaintiff and Counter-Defendant Moog  
 4 Inc. (“Moog”) hereby submits this application for an order permitting it to file under  
 5 seal certain excerpts and documents (the “Designated Materials”) from Moog’s  
 6 Motion to Dismiss Defendant and Counterclaimant Skyryse Inc.’s (“Skyryse”)  
 7 Counterclaims Pursuant to Fed. R. Civ. P. 12(b)(2), (3), and (6) (“Motion to  
 8 Dismiss”).

9           Moog submits that compelling reasons exist to permit the Designated  
 10 Materials to be filed under seal. The Designated Materials include documents that  
 11 have been identified as Protected Material pursuant to the Protective Order entered  
 12 in this action on May 6, 2022 (the “Protective Order”) (Dkt. 89) and excerpts from  
 13 Moog’s Motion to Dismiss that reference, describe, or cite to those documents. The  
 14 material that Moog requests to file under seal is the type of information that Moog  
 15 does not make public, does not share with competitors, and keeps confidential in its  
 16 business. If disclosed publicly, it could be used by Moog’s competitors to secure  
 17 unfair competitive advantage and cause irreparable business harm. Specifically,  
 18 Moog seeks to file the following Designated Materials under seal: (1) highlighted  
 19 portions of Moog’s Memorandum of Points and Authorities in Support of its Motion  
 20 to Dismiss at pages 15:11-13, 16:6-15, 16:17-23, 17:1-2, 17:4-11, 17:14-16, 21:12-  
 21 18, 23:3-5, 23:11-12; and (2) Exhibits A, N, O, P, and Q to the Declaration of  
 22 Kazim A. Naqvi in Support of Moog’s Motion to Dismiss.

23           Moog also seeks to provisionally lodge under seal the following Designated  
 24 Materials, which refer to, describe, or quote documents that Skyryse has identified  
 25 as Protected Material under the Protective Order, or which Moog believes that  
 26 Skyryse may consider to be Skyryse’s own confidential information: (1) highlighted  
 27 portions of Moog’s Memorandum of Points and Authorities in Support of its Motion  
 28 to Dismiss at pages 15:17-22, 15:21, 18:11, 19:4-5, 19:13-15, 19:17-18, 20:1-6,

1 20:12-13, 20:25, 21:1-2, 21:4-8, 21:20, 21:22, 22:7-10; and (2) Exhibits B, C, D, E,  
 2 F, G, H, I, J, K, L and M to the Declaration of Kazim A. Naqvi in Support of  
 3 Moog's Motion to Dismiss. Accordingly, pursuant to paragraph 12.1 of the  
 4 Protective Order, Moog seeks to provisionally lodge these documents under seal  
 5 until such time as Skyryse withdraws its confidentiality designations or the Court  
 6 rules on a forthcoming application from Skyryse to justify that these documents, or  
 7 portions of thereof, remain under seal.

8       This application is further based upon the accompanying Declaration of  
 9 Kazim Naqvi in Support of this Application; any pleadings, files, and records in this  
 10 action; and any further evidence or argument as this Court may consider.

11      Moog's counsel conferred with Skyryse's counsel in the morning on February  
 12 21, 2023 and informed Skyryse of Moog's intention to file under seal documents  
 13 Skyryse has identified as Protected Material under the Protective Order (Dkt. No.  
 14 89). In that communication, Moog identified the relevant documents that it intended  
 15 to file and asked Skyryse to confirm whether Skyryse does not believe that any of  
 16 those documents constitute Skyryse confidential information so that they may be  
 17 publicly filed on the docket. In response, counsel for Skyryse advised that they did  
 18 not have sufficient time to provide Skyryse's positions regarding the documents that  
 19 Skyryse had identified in its email to Skyryse that morning. Skyryse's counsel  
 20 further advised that with respect to today's filing of the Motion to Dismiss and  
 21 related documents, it "does not object to Moog publicly quoting the text from these  
 22 documents that was already publicly filed by Skyryse in this case; to the extent the  
 23 documents contain additional information beyond what has been publicly filed by  
 24 Skyryse, the documents themselves should be lodged under seal." Moog's counsel is  
 25 complying with this direction from Skyryse's counsel, and will continue to confer  
 26 with Skyryse's counsel regarding the proposed sealing of documents that Skyryse  
 27 had designated as Protected Material under the Protective Order.

28

1 Dated: February 21, 2023

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3

4 By

5 /s/ Kazim A. Naqvi

6 Kazim A. Naqvi

7 Attorney for Plaintiff and Counter-Defendant  
MOOG INC.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28